IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.991-M of 2007

DATE OF DECISION:05.03.2007

Jasvir Begum & Anr. .....Petitioners

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri Malkeet Singh, Advocate
for the petitioners.

Shri N.S. Gill, AAG, Punjab.

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The petitioners apprehending their arrest in a non-bailable offence in case FIR No. 127 dated 23.11.2006 under Sections 304-B/34 IPC, registered at Police Station Kotwali Kapurthala, have filed this petition under Section 438 Cr.P.C. for anticipatory bail.

I have heard counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that on 21.5.2006, deceased Smt. Ajra committed suicide. Her relatives were informed and the statement of her brother Abdul Rehman, who came present, was recorded in the Daily Diary Report. In his statement, he had stated that his sister had committed suicide by hanging herself from the hook of the fan due to some mental disturbance in her residential house and nobody is to be blamed for the same. At that time, when the Daily Diary Report was being recorded, no allegations of maltreatment of the deceased by the petitioners, who are mother-in-law and 15 years old unmarried sister-in-law of the deceased, were levelled. After six months of the incident, the aforesaid FIR has been registered on the basis of the statement of said

Abdul Rehman, in which some vague allegations regarding torture and demand of dowry have been made. Counsel contends that the second version given by the complainant is after thought and concocted and totally false allegations have been levelled against the petitioners.

Counsel for the petitioners further contends that in view of the order dated 11.1.2007, the petitioners have joined the investigation.

Counsel for the respondent-State on instructions from ASI Sukhdev Singh does not dispute the factual position with regard to the recording of the statement of the brother of the deceased at the time of alleged occurrence and preparation of inquest report under Section 173 Cr.P.C. It is also not disputed that after six months of the alleged occurrence, the aforesaid FIR was registered. Counsel for the respondent-State further contends that as far as the husband of the deceased is concerned, he has already been arrested. The factum of joining the investigation by the petitioners is also not dispute by the counsel for the respondent-State.

In view of the above, the interim bail, granted vide order dated 11.1.2007 is made absolute subject to the same terms and conditions.

Disposed of accordingly.

March 05, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**